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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re MILTON R., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

MILTON R.,

Defendant and Appellant.

D055961

(Super. Ct. No. J210559)

APPEAL from an order of the Superior Court of San Diego County, Carolyn M. Caietti, Judge. Affirmed.

After 17-year-old Milton R. admitted he had violated terms of his probation, the juvenile court continued him as a ward (Welf. & Inst. Code, § 602)¹ and ordered him to be removed from his mother's home and placed in the San Diego County Probation

¹ Statutory references are to the Welfare and Institutions Code unless otherwise specified.

Department's Youthful Offender Unit (YOU) program for a period not to exceed 480 days.

FACTUAL BACKGROUND

On February 6, 2009, a sheriff's deputy interviewed Milton regarding a theft at his school. The deputy searched Milton and did not find any illegal substances, weapons or stolen property. Milton asked the deputy to drive him home. The deputy agreed, but told Milton to wait outside while he went to the office. After a few minutes, Milton went to the office and told the deputy he was going to take the bus home. Milton missed the bus and returned to the office to again ask the deputy to drive him home. The deputy searched Milton a second time and found a folding knife in Milton's pocket. Milton told the deputy that he had retrieved the knife off campus because he intended to take the bus home; Milton also said he carried the knife for protection. The deputy arrested Milton and took him to Juvenile Hall.

On February 10 the District Attorney filed an amended delinquency petition alleging possession of a knife on school grounds, a felony (Pen. Code, § 626.10, subd. (a)) and possession of live ammunition, a misdemeanor (Pen. Code, § 12101, subd. (b)(1)), stemming from an incident in December 2008. This was the seventh delinquency petition filed against Milton for criminal offenses dating back to when he was 14 years old.

On February 24 Milton admitted possessing a knife on school grounds, and the live ammunition count was dismissed with a *Harvey* waiver (*People v. Harvey* (1979) 25 Cal.3d 754).

On March 10 the juvenile court continued Milton as a ward of the court and placed him on probation on the condition he complete 45 days of home supervision and complete four additional days in the probation department's Work Project.

On May 11 Milton was arrested for trespassing in Fresno County. Fresno County authorities notified probation officials in San Diego of the arrest, but released Milton the next day and did not take further action. Milton left San Diego County without authorization from his probation officer.

On June 16 Milton telephoned his probation officer and said: "I'm not coming to the office today. You can catch me when you can." Milton's mother told the probation officer that Milton left home because he feared he would be arrested for violating his probation.

On July 8 the court issued a bench warrant for Milton's arrest. Milton's whereabouts remained unknown through July and much of August. On August 25 Milton's mother notified the probation officer that Milton was at her residence. Milton was taken into custody. He tested positive for marijuana.

On August 27 Milton admitted he violated the terms of his probation by (1) not abiding by his curfew, (2) testing positive for marijuana, (3) not attending school and (4) leaving his mother's residence without permission.

On September 11 the court removed Milton from the custody of his mother because he "has been tried on probation . . . and has failed to reform." (§ 726, subd. (a)(2).) The court placed Milton in the YOU program, with the custodial part of the program not to exceed 480 days.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as a possible, but not arguable, issue: whether placement in the YOU program was supported by substantial evidence.

We granted Milton permission to file a brief on his own behalf. He has not responded.

A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issue referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no other reasonably arguable appellate issue. Competent counsel has represented Milton on this appeal.

DISPOSITION

The order is affirmed.

McDONALD, J.

WE CONCUR:

McCONNELL, P. J.

NARES, J.